



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 03-119

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

The note to s. ATPC 35.08 (6) (b) 6. appears to be incomplete.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the last sentence of s. ATPC 35.04 (5) (a), should the word “may” be replaced by the word “shall”? If the word “may” is retained, the sentence appears to imply that the depreciated value of the cost of concrete or asphalt that is removed may be reimbursed. If so, how will this decision be made?

b. Section ATPC 35.08 (6) (b) 7. states that in determining an appropriate reimbursement rate when recontamination occurs, the department may consider factors that it or the Agricultural Chemical Cleanup Council consider relevant. This is a broad grant of authority to the department and to the council that avoids the rule-making process. If other factors (that is factors other than those listed in s. ATPC 35.08 (6) (b)), appear to be relevant, these factors should be incorporated into the text of s. ATPC 35.08 (6) (b).